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Docket No.: NAG-112
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hioshi Soyama

Application No.: 09/857,967 ✓

Confirmation No.: 2606

Filed: June 13, 2001 ✓

Art Unit: 1746

For: METHOD AND DEVICES FOR PEENING
AND CLEANING METAL SURFACES

Examiner: M. Kornakov

#8
AS
9/25/3

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed August 13, 2003 (Paper No. 7), applicant hereby provisionally elects Group II, claims 2-5 for continued examination, with traverse.

REMARKS

The examiner has required a restriction under 35 U.S.C. §121 and 372, and has alleged that the application contains distinct inventions. Paper No. 7, page 2, paragraph 1. Applicants respectfully disagree, and therefore has TRAVERSED this restriction requirement. Applicants request that the examiner reconsider this restriction requirement in view of the following remarks.

This application is a National Phase of a PCT application under 35 U.S.C. §371, and is not an application filed under 35 USC 111(a). MPEP § 1893(d) points out that with respect to national stage applications filed under 35 USC 371, restriction practice under 35 USC 121 is inapplicable. Rather, Unity of Invention practice under PCT Rule 13 and 37 CFR 1.475 applies. Accordingly, Restriction Requirements are governed under the Unity of Invention standards, and the examiner must clearly specify why the claims directed to different groups of inventions lack